

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

No. CR 01-419 CRB
C 07-01521 CRB

Plaintiff,

ORDER

v.

MOISES RIVERA,

Defendant.

Now pending before the Court is defendant Moises Rivera's motion pursuant to 28 U.S.C. section 2255. The Court previously issued an order noting:

Rivera alleges only that his "attorney, Nina Wilder, was ineffective for filing a direct appeal on my behalf." Before the Court can respond to defendant's motion, or ask the government to file a response, Rivera must provide more information about his claim. In particular, he must specifically set forth why he believes his counsel was constitutionally ineffective for filing an appeal. The reasons for his claim are not self evident since, as a result of his appeal, Rivera's sentence was reduced from 151 months to 121 months. If Rivera wishes to prosecute this section 2255 motion he must file a more detailed statement about his claim on or before April 20, 2007.

As of the date of this Order, Rivera has not issued a response. The Order was returned to the Court as "undeliverable" with a forwarding address. The Clerk then mailed the Order to the forwarding address but it was returned as "refused." It is petitioner's obligation to update his address with the Court. Accordingly, Rivera's 2255 petition is DISMISSED without

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1 prejudice.

2 **IT IS SO ORDERED.**

3 Dated: April 27, 2007



4 CHARLES R. BREYER
5 UNITED STATES DISTRICT JUDGE
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